

REMARKS

The Official Action has indicated several recited features that do not appear to have proper antecedent basis in the specification. This objection is respectfully traversed.

Claim 26 provides that the grooves are spaced "so that as the canister is progressively slid off the male mould member, the ribs do not all encounter grooves at the same time.

Page 4, lines 18-24 of the present application disclose that it is desirable that the grooves are not uniformly spaced on the male member, so that once the initial release of the tube for all the grooves at the first instance takes place as the tube is slid over the male member, the ribs do not all encounter grooves at the same time. Thus, due to the selected uneven spacing of the grooves, the force required to push the tube over the grooves is restricted such that as the tube is pushed off, less than the full complement of ribs engaged the grooves at any one time during the process whereby the tube is pushed from the male member.

In other words, equally spaced grooves on the male member would align with equally spaced ribs on the canister, such that as the canister is pulled from the male mould member, each rib would encounter each grove at the same time increasing the force required to pull the ribs out of the grooves. By spacing the grooves unevenly, the resulting ribs are spaced unevenly and

all the ribs do not encounter all the grooves at the same time and the tube is able to more easily slide off the male mould member.

Claims 27 and 31 provide that the ribs are unevenly spaced. The disclosed passage on page 4, line 18-24 specifically line 18 discloses that the grooves are not uniformly spaced and line 21 discloses the selected uneven spacing of grooves.

Claim 28 provides that adjacent ribs are spaced by rib spacing, the ribs spacing varying along the inner surface. Again, page 4, lines 18-24 provides support for grooves that are not uniformly spaced or rib spacing that varies.

Claim 34 provides that the outer surface has an outward facing angular rib at the open end. Page 8, lines 17-19 state that the container 23 includes a flared marginal edge region at 36 and an outward chamfer 37 which operates as a lead-in for the paper roll into the canister 23.

Accordingly, support is found in the specification for the recitation in claim 34 and the Examiner is correct that the outward facing annular rib is flared member 36.

Since support is found in the specification as filed and is further supported by the drawing figures which are part of the specification as filed, the specification objection should be withdrawn.

Claims 4-11 and 26-34 were previously pending in the application. Claims 5 and 32 are cancelled leaving claims 4, 6-11, 26-31 and 33-34.

Claim 26 is rejected under 35 U.S.C. §112, first paragraph as failing to comply with written description requirement. Specifically, the Official Action has indicated that new subject matter is described. The new subject matter is indicated as "the grooves are spaced so that as the canister is progressively slid off the male mould member, the ribs do not all encounter grooves at the same time.

As set forth above regarding the specification objection, lines 18-24 of the present application as filed disclose that the grooves are not uniformly spaced on the male member so that once the initial release of the tube from all the grooves at the first instance takes place as the tube is slid over the male member, the ribs do not all encounter grooves at the same time. Thus, less than the full compliment of ribs engage the grooves at any one time of the process whereby the tube is pushed from the male member.

Applicant believes that such disclosure is sufficient to convey to one of ordinary skill in the art that the inventors have possession of the invention as claimed in claim 26 at the time the application was filed and that no new matter is presented.

Claims 5-11 are amended to address the claim objections noted in the Official Action.

Claims 4, 7-11, 27-29 and 33-34 are rejected as being anticipated by LINDBERG et al. WO 98/19737 and claims 5-6, 26 and 30-31 are rejected as being unpatentable over LINDBERG et al. These rejections are respectfully traversed.

Claim 4 has been amended to include the subject matter of claim 5 and provides that the ribs project at 1 mm to 2 mm from the inner surface of the canister.

The position set forth in the Official Action with respect to claim 5 is that it would be obvious to one of ordinary skill in the art to modify the height/projection of the ribs from the inner surface of the side wall, depending upon the choice of the user to achieve a desired result.

Specifically the desired result would be that there is enough spacing necessary such that the paper roll media could be removed easily from the canister at the same time that the spacing inhibits tracking/leaking of the filter between the filter element/media and the wall of the canister. Accordingly, the Official Action states that the rib projection length is a results effective variable that would be obvious to one of ordinary skill in the art.

Applicants submit herewith a declaration under rule 132 to rebut the position set forth in the Official Action.

Specifically, as set forth in the declaration, Paul Lindberg (the first named inventor in WO 97/19737) and the inventors of the present invention are former co-workers at Filter Technology International, Pty. Ltd. As set forth in the declaration, Mr. Lindberg thought that to be effective anti-tracking ribs would be relatively large and that the ribs should have the same depth as the ribs in his metal canister described in Australian Patent No. 650176.

The ribs of Australian Patent No. 650176 and WO 97/19737 are both attributable to Mr. Lindberg. Since he is one of ordinary skill in the art and did not find it obvious to use smaller ribs, the reasoning underlying the present invention does not support the assertion of obviousness set forth in the Official Action. Accordingly, one having ordinary skill in the art would not recognize the ribs as a results effective variable such that the ribs should be optimized between the range of 1-2 mm as recited in claim 4 or about 1.5 mm as recited in claim 6 which depends therefrom. Therefore, reconsideration and allowance of claims 4 and 6 are respectfully requested.

Claims 7-11, 26 and 28 depend from claim 4 and further define the invention and are also believed patentable over LINDBERG et al.

Claim 27 is rewritten in independent form and provides that the ribs are unevenly spaced. As set forth on page 4, lines

18-24 of the present application, the grooves of the male mould member are not uniformly spaced such that the ribs that are formed on the canister using the male mould member are not uniformly spaced as further seen in Figure 9 of the present application.

The above passage further provides that by spacing the ribs not uniformly or unevenly, the ribs do not all encounter grooves (of the male mould member) at the same time and the canister is able to be slid easily off the male mould member.

In contrast, as seen in Figure 1 of LINDBERG et al., there are three sets of two ribs. Each set of two ribs is equally spaced from an adjacent set of two ribs. Accordingly, if the canister of LINDBERG et al. was on a mould, the ribs would encounter all the grooves of the mould each instance as the canister is pulled off the mould, thus making the canister harder to pull off the mould. LINDBERG et al. does not disclose or suggest that the ribs are unevenly spaced. As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 29 has been amended to include the subject matter of claim 32 and provides that the canister has a base having an axially extending annular projection defining an annular channel in the base.

As seen in Figure 9 of the present application, and as disclosed on page 8, lines 9-19, the base 28. The base includes radial flow passages 33 and an annular projection 35. The annular projection 35 also serves an anti-tracking purpose in so far as any small amounts of oil that begin to track down the sides of the container become trapped in the annular channel 63 around the base 28 of the canister.

LINDBERG et al. do not disclose or suggest this feature and, in fact, no corresponding element was offered in the Official Action. Since claim 32 is not rejected on the merits, claim 29, which is amended to claim to include the subject matter of claim 32, is believed allowable. Claims 30, 31, 33 and 34 depend from claim 29 and are also believed patentable over the cited prior art.

In view of the present amendment, the foregoing remarks and the declaration under Rule 132, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

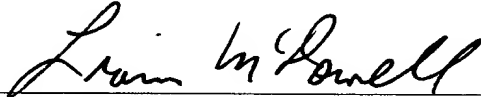
The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

Application No. 09/868,333
Amdt. dated December 18, 2003
Reply to Office Action of August 25, 2003
Docket No. 6002-1032

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON



Liam McDowell, Reg. No. 44,231
745 South 23rd Street
Arlington, VA 22202
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

LM/psf

Application No. 09/868,333
Amdt. dated December 18, 2003
Reply to Office Action of August 25, 2003
Docket No. 6002-1032

APPENDIX:

The Appendix includes the following item(s):

- a 37 CFR 1.132 Declaration